

Introduced by Senator Burton

February 20, 1998

An act to amend Section 30163 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 2134, as introduced, Burton. Cigarette tax: foreign sale cigarettes.

The Cigarette and Tobacco Products Tax Law requires that an appropriate stamp be affixed to, or that an appropriate meter impression be made upon, each package of cigarettes prior to distribution.

This bill would modify these requirements to prohibit any stamp or meter impression from being affixed to, or made upon, packages of cigarettes unless those packages comply with federal requirements for labels, warnings, or other information to be placed on packages of cigarettes to be sold within the United States, and would require the State Board of Equalization to revoke the permit issued to a distributor or wholesaler that is determined to be in violation of these stamping or metering requirements. By creating a new crime in the form of a misdemeanor for a violation of these requirements, this bill would establish a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30163 of the Revenue and
2 Taxation Code is amended to read:

3 30163. ~~An~~ *Except as otherwise provided in this*
4 *section, an appropriate stamp shall be affixed to, or an*
5 *appropriate meter impressions impression shall be made*
6 *on each package of cigarettes prior to the distribution of*
7 *the cigarettes. No stamp or meter impression may be*
8 *affixed to, or made upon, any package of cigarettes unless*
9 *that package complies with all requirements of federal*
10 *law for the placement of labels, warnings, or any other*
11 *information upon a package of cigarettes that is to be sold*
12 *within the United States. Pursuant to its authority under*
13 *Sections 30148 and 30158, the board shall revoke the*
14 *permit issued to any distributor or wholesaler that is*
15 *determined to be in violation of this section.*

16 SEC. 2. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

26 Notwithstanding Section 17580 of the Government
27 Code, unless otherwise specified, the provisions of this act
28 shall become operative on the same date that the act
29 takes effect pursuant to the California Constitution.

